accept and acceptance of bribes, and in support of this proposition we would refer to the case of *Lim Tian Chye v. Public Prosecutor,*[1]. In that case "the appellant was charged under sections 467 and 471 of the Penal Code with three offences of fraudulently using as genuine forged delivery orders in respect of three articles. He was also charged under section 408 of the Penal Code with three offences of criminal breach of trust as a servant and under section 418 of the Penal Code with three offences of cheating in respect of the same three articles".

It was held by Innes and Farrer-Manby, JJ.:—

> "That all the acts dealt with in the charges formed one transaction within the meaning of section 163 (i) (now 165 (i)) of the Criminal Procedure Code".

The following passage occurs in the judgment of Innes, J.C.:—

> "It seems to me that the series of acts enquired into though separated by short intervals of time, may well be held to have formed one transaction in the sense that they were connected through being done with one specific criminal intent for the furtherance of a continuous plot. Indeed the acts charged as cheating and criminal breach of trust had to be carried out before the employment of the forged delivery orders could be effectually resorted to".

In this case, the appellant's acts were also all connected and done with one specific criminal intent, viz: the agreement to accept and acceptance of bribes from the Pahang Lin Siong Motor Company Limited.

There are, therefore, no grounds in law for setting aside the conviction.

Appeal dismissed.

[ORIGINAL CIVIL JURISDICTION]
HORNE, J.
November 11, 1940.

WONG YEW ..... **Applicant.**

[ORIGINATING SUMMONS No. 62 of 1940]

Land Code S. 108—Person registered as proprietor under S. 108 entitled to the issue of a fresh document of title.

The applicant was the purchaser of certain lands sold under Order of Court. The order confirming the sale and vesting the title in the purchaser was duly made order under S. 329 of the Civil Procedure Code. The applicant presented this order as required by S. 108 of the Land Code and the same was registered. It is not compulsory in the case of a vesting order under S. 108 to produce the issue document of title before registration. The applicant therefore though the registered proprietor did not possess any issue document of title. He applied under S. 240 by way of Originating Summons, for an order that the Registrar of Titles should issue fresh documents of title for the land.

Held, that where a person has become a registered proprietor and by reason of the proper registering authority being compelled to register such person as proprietor without the delivery of the issue document of title that authority has power and if so requested by the proprietor is under the duty to issue to such proprietor a fresh document of title.

APPLICATION UNDER LAND CODE.

Applicant in person.

Horne, J.—The applicant Wong Yew of Seremban applies by an *ex parte* originating summons, which is headed "In the matter of an application under section 240 of the Land Code (Cap. 138)", and asks for an order that the Registrar of Titles do issue fresh documents of title for the lands held under Certificates of Title No. 2185 and No. 2186 for Lots No. 2753 and No. 2754 in Seremban upon the applicant paying all expenses therefor

The application was supported by an affidavit exhibiting certain correspondence and referring to Suit No. 2 of 1935, and from these documents the facts of the matter appear to be as follows:—

The Official Assignee of the moneylanding firm "T.S.N." of Penang, which was a general creditor of the defendants, obtained judgment against them viz. (1) T.N. Mootiah Chettiar, (2) T.S.R.M. Ramasamy Chettiar, (3) T.S.K. Ramasamy Chettiar, (4) T.S.K. Mootiah Chettiar, (5) T.S.M.R. Arunasalam Chettiar, (6) T.S.T.S. Nagappa Chettiar for $237,271.66 and costs on 26th April 1934 in Singapore. This judgment was the subject of the proceedings in this Court under the Judgments (Reciprocity) Enactment and was duly registered thereunder on 2nd December 1935. An application for execution was made on 2nd December 1936 and certain lands including Certificate of Title 2185 and Certificate of Title 2186 Seremban Town were attached. According to the abstract the registered proprietors were the six judgment debtors. Various proceedings followed and finally on 21st October 1939 sale of Certificate of Title 2185 and Certificate of Title 2186 and the other lands was ordered and the applicant became the purchaser on the 16th December 1939. The six judgment debtors throughout the proceedings in Negri Sembilan Suit (Foreign Judgment) No. 2 of 1935 have never appeared, service having been effected upon them in the State of Pudukotah, India. At time of sale the lands were unencumbered. On 17th January 1940 an order confirming the sale and vesting the title in the purchaser was duly made under section 329 of the Civil Procedure Code. The applicant duly presented this order as required by section 108 of the Land Code and the same was registered. The applicant then entered into correspondence with the Assistant Registrar, Supreme Court, with a view to obtaining the issue document of title but as the judgment executed was a general creditor's judgment

and the execution debtors were in India and no longer answering registered letters the recovery of the issue document of title was apparently impossible. He then wrote to the Commissioner of Lands and then to the British Resident, and as a result makes this application which I adjourned in order that the Registrar of Titles should be served. He has since appeared and expresses doubt as to whether he can issue fresh documents of title.

I had some doubt as to whether the applicant had adopted the proper procedure by raising this matter under section 240 by way of originating summons. But I think the wording of that section is wide enough to give the Court jurisdiction to grant relief if the circumstances justify the application and the question to be decided is one that can properly be decided upon an originating summons.

There appears to me to be no dispute as to the facts as I have set them out above; there is a conflict between the proper registering authority, in this case the Registrar of Titles, and the applicant as to whether the Registrar has authority under the Land Code to issue fresh documents of title; alternatively, the question may be put—Has the applicant a right to have a certificate of title issued to him upon payment of fees?

In my opinion upon a proper construction of the Enactment the proper registering authority must be held to have the power to issue subsequent certificates of title and being a *quasi-judicial* authority may exercise that power at his discretion. There is no section which deals with this particular matter, although there are sections dealing with registration in general and with registration of particular instruments; and in most cases registration cannot in the first instance be perfected unless there is delivered with the instrument effecting the transaction, the issue document of title. At the same time the Registrar has power to dispense with the issue document of title in all those cases to which I have referred where its production is in the first instance compulsory. In the case of a vesting order under section 108, however, it is not compulsory to produce the issue document of title.

It is therefore possible for a person to be a registered proprietor and to have no issue document of title in his possession and that upon registration of the instrument effecting the transfer or transmission of the land to him, there may be in existence and in the possession of a person who has no right thereto an uncancelled issue document of title relating to the transferred land, a document which is no longer a duplicate of the register document of title. That result, whether reached by the exercise of the Registrar's power of dispensation or by the Registrar having to register the transferring or transmitting instrument in any event, would, if allowed to continue, defeat the general intention of the Enactment viz. that the register and issue documents should be duplicates and that the registered proprietor should be in possession of the issue document. Clearly he, or a person deriving authority from him, is intended to be in possession of it, for by section 100 if he loses it he can obtain a certified true copy. It may of course be argued that as the Enactment has given certain specific powers to the Registrar he can only do such acts as are specifically described in the various sections relating to his powers. In my opinion these registration sections show that under the Enactment the proper registering authority is entrusted not merely with the duty of keeping the register in accordance with the terms of those various sections but of so keeping it as not to render ineffective the general scheme of registration. It is clearly not the intention that once a certificate of title has been issued in respect of a particular parcel of land that that certificate should henceforth constitute a record of transactions; for the Registrar may call it in if the memorials are too numerous and the registered proprietor must accept a fresh certificate on which such memorials will not appear. The certificate is intended to be evidence that the particular person named is the registered proprietor. Registration of a vesting order passes the property, but registration, that is, in this case, the entry of a memorial on the register document of title and nothing more, is not an effective assurance. It does not give the registered proprietor what he is entitled to under the Enactment. Not only is he entitled to be put upon the register but he is entitled to a certificate issued to him by the Registrar that he is so registered and consequently can deal with the land in the modes provided by the Enactment.

I therefore hold that where a person has become a registered proprietor and by reason of the proper registering authority being compelled to register such person as proprietor without the delivery of the issue document of title that authority has power and if so requested by the proprietor is under the duty to issue to such proprietor a fresh document of title. Provision is made for the issue of subsequent certificates of title and there appears to me to be no need for the issue of any public notices in the present case, because there has been ample delay and publicity.

Accordingly by order I direct the Registrar of Titles upon payment by the applicant of the necessary fees to issue a subsequent certificate of title.

Order accordingly.